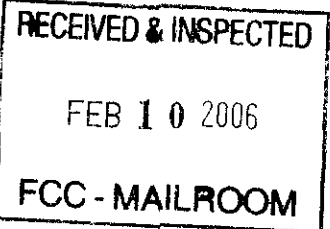


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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554



In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984)
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

MB Docket No. 05-311

**COMMENTS OF
CITY OF MEDFORD, AN OREGON MUNICIPAL CORPORATION**

These Comments are filed by the City of Medford, an Oregon Municipal Corporation (Medford), in support of the comments filed by the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NATOA, Medford believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

Cable Franchising in Our Community

Community Information

Medford is an Oregon city with a population of approximately 76,000. Our franchised cable provider is Charter Communications. Medford has negotiated cable franchises for many years.

Our current franchise began in October of 1998 and expires in September of 2008.

Our franchise requires the cable operator to pay a franchise fee to Medford in the amount of 5% of the cable operator's revenues. The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

We require the cable operator to provide capacity for three public, educational, and/or governmental ("PEG") access channels on the cable system.

Our franchise requires that our PEG channels be supported by the cable operator's payment to the city of a PEG access fee. The City administers the PEG access to obtain facilities and equipment for designated access providers.

City of Medford 04
CITY CLERK

Our franchise requires the cable operator to install free of charge one standard cable system outlet to each governmental office, building, fire station, police station and public school building passed by its cable.

Our franchise requires the cable operator to cooperate with the City use of the system to aid and inform the public in the event of an emergency. The City will have override control from the City's Emergency Dispatch Center that enables the City to initiate override with a squeal tone and on-screen character generation, as well as testing up to once every six months.

Our franchise contains customer service obligations by the cable operator including but not limited to: (a) adequate local office staff to answer phones, accept payment, exchange converters, respond to complaints and service calls; (b) service and repair timeliness requirements; and (c) notice to customers including but not limited to: rate changes, complaint policies, parental control, and toll-free service numbers, by which we are able to help ensure that the cable operator is treating our residents in accordance with federal standards and the terms it agreed to in its franchise.

Our franchise requires that the cable operator provide service to all areas of the City.

In order to ensure that our residents have access to current telecommunications technologies, our franchise requires the cable operator to meet or exceed all technical and maintenance standards of the FCC and the NESC.

Our franchise requires insurance in the amount of \$200,000/\$500,000 personal injury per person/per occurrence; \$500,000 property damage, and \$1,000,000 cumulative for all claims per occurrence.

The cable franchise grants the cable operator access to the public rights of way and compatible easements for the purpose of providing cable television service. Apart from the franchise, the cable provider is required to obtain a permit from the appropriate municipal office as well before it may construct, restore, maintain its facilities in the public right of way, and notice must be provided to the City before the cable operator may prune trees.

The franchise agreement allows the city to enforce its terms by allowing competition, requiring timely reporting, charging late fees to the cable operator, terminating the franchise agreement, removing cable operator equipment, and any other legally permissible action.

Our current franchise provides that changes in law which affect the rights or responsibilities of either party under this franchise agreement allow the parties to terminate the agreement, renegotiate, or if possible sever the offending clause.

Our franchise is competitive. Our franchise is a non-exclusive franchise and allows competition. Our community granted a competitive franchise, but that cable operator (Falcon/TCI) was purchased by the current cable operator (Charter Communications). We have not denied any provider the opportunity to serve in our community.

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Conclusion

The local cable franchising process functions well in Medford, Oregon. As the above information indicates, we are experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

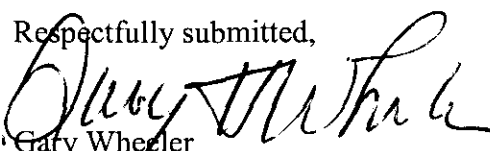
Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including Medford, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The City of Medford therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

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